HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11765 of 2007

Dated:14.06.2007

Between:

M/s.St.Alphonsa High School.

...Petitioner

and

The Government of Andhra Pradesh and others.

...Respondents

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ORDER:

The petitioner challenges G.O.Ms.No.239, Transport, Roads & Buildings (TR.I) Department, dated 24.11.2006. Through the said G.O., the Government directed that the vehicles of the specified categories, and which are registered, or being operated in the places mentioned in the G.O., must be fitted with speed governors.

In W.P.No.3976 of 2007 and batch, this Court examined the validity of the said G.O., and allowed the batch of writ petitions through common judgment, dated 05.06.2007. Certain directions were issued.

Learned counsel for the petitioner and learned Government Pleader for Transport submit that the writ petition is squarely covered by the judgment in the said batch of writ petitions.

Hence, the writ petition is allowed, directing that:

a) the G.O.Ms.No.239, Transport, Roads & Buildings (TR.I) Department, dated 24.11.2006, insofar as it insists on installation of speed governors to the categories of transport vehicles, registered or operating in Hyderabad, Ranga Reddy, Nalgonda and Chittoor districts, is illegal and contrary to the provisions of Motor Vehicles Act and the Rules made

thereunder; and

b) the impugned G.O. shall, however, remain in force, till 15.07.2007 with the modification, that the restriction therein shall not apply to the vehicles registered outside the districts mentioned in it, as well as to those registered in those districts, but operating outside the said districts. Within this time, it shall be open to the Government to issue fresh orders, in accordance with law. Either way, the impugned G.O. would become inoperative after 15th July 2007. It shall also be open to the Government and its subordinates, to take steps under Chapter VIII of the Motor Vehicles Act, to regulate the traffic and speed, particularly in the areas, where the occurrence of accidents is more.

There shall be no order as to costs.

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14.06.2007

kdl